TITLE 8: AGRICULTURE AND ANIMALS
CHAPTER I: DEPARTMENT OF AGRICULTURE
SUBCHAPTER i: PESTICIDE CONTROL

PART 257
COOPERATIVE GROUNDWATER PROTECTION PROGRAM

Section

AUTHORITY: Implementing and authorized by the Illinois Environmental Protection Act (415 ILCS 5), the Illinois Pesticide Act (415 ILCS 60), the Illinois Lawn Care Products Application and Notice Act (415 ILCS 65) and the Illinois Fertilizer Act of 1961 (505 ILCS 80).

SOURCE: Adopted at 18 Ill. Reg. 205, effective January 1, 1994.

Section 257.10 Definitions

Definitions for this Part can be located in Section 2 of the Lawncare Products Application and Notice Act (415 ILCS 65/2), Section 3 of the Illinois Fertilizer Act of 1961 (505 ILCS 80/3), and Section 4 of the Illinois Pesticide Act (415 ILCS 60/4). The following definitions shall also apply to this Part:

"Activity" means a unit for the storage and related handling of pesticides or fertilizers at an agrichemical or lawncare facility.

"Agrichemical facility" means a site used for commercial purposes, where bulk pesticides are stored in a single container in excess of 300 gallons of liquid pesticide or 300 pounds of dry pesticide for more than 30 days per year or where more than 300 gallons of liquid pesticide or 300 pounds of dry pesticide are being mixed, repackaged or transferred from one container to another within a 30-day period or a site where bulk fertilizers are stored, mixed, repackaged or transferred from one container to another.

"Agrichemical Spill" means a release outside an operational area containment or secondary containment structure involving more than 25 gallons of liquid fertilizer or 100 pounds of dry fertilizer or 5 pounds of liquid or dry active ingredient equivalent of pesticides; except that for reportable substances, it means when the amount spilled equals or exceeds the reportable quantity (RQ) for those chemical substances.

"Agrichemicals" means pesticides or commercial fertilizers at a facility, but does not include anhydrous ammonia fertilizer material.

"Alterations" means permanent changes in activities or processes at a facility or changes in stored and handled product mix which do not modify the efficiency of containment structures or systems.

"Category A Geologic Vulnerability" means the geologic material associated with a community water supply well with a 400 foot minimum setback zone deriving water from an unconfined shallow fractured or highly permeable bedrock formation or from an unconsolidated and unconfined sand and gravel formation. For any other potable water supply well, it means that Class I or III groundwater is located at or within 50 feet of the land surface and the top of such potable well screen or open interval is less than or equal to 100 feet from the land surface.

"Category B Geologic Vulnerability" means the geologic material associated with a community water supply well with a 200 foot minimum setback zone not deriving water from an unconfined shallow fractured or highly permeable bedrock formation or from an unconsolidated and unconfined sand and gravel formation. For any other potable water supply well, it means that Class I or III groundwater is located more than 50 feet from the land surface or the top of such potable well screen or open interval is more than 100 feet from the land surface.

"Central distribution facility" means a site that is not an agrichemical facility that is used for the storage and related handling of pesticides and/or

fertilizers at a central location for the purpose of distribution to retail sales outlets.

"Commercial" means buying and selling agrichemicals and agrichemical services for compensation.

"Community Water Supply" means a public water supply which serves at least 15 service connections used by residents or regularly serves at least 25 residents for at least 60 days per year.

"Detection" means the identification of a contaminant in a sample at a value equal to or greater than the:

METHOD DETECTION LIMIT or MDL, which means the minimum concentration of a substance that can be measured as reported with 99 percent confidence that the true value is greater than zero pursuant to 56 Fed. Reg. 3526 thru 3597 (January 30, 1991); or

METHOD QUANTITATION LIMIT or MQL, which means the minimum concentration of a substance that can be measured and reported pursuant to "Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods".

"Existing activity" means an activity that was in operation or for which there was commencement of construction on or before the effective date of these regulations or on or before the effective date of a regulated recharge regulation affecting such activity.

"Groundwater" means groundwater as defined in the Illinois Groundwater Protection Act (415 ILCS 55).

"Lawncare facility" means a site subject to the provisions of Section 5 of the Illinois Lawncare Products Application and Notice Act (415 ILCS 65/5).

"Load or loading" means the transfer of formulated pesticide at a facility from facility storage to application equipment resulting in use dilutions or the transfer of bulk pesticides to field nursing transportation equipment or the transfer of liquid fertilizer or dry fertilizer at facilities from facility storage to application equipment and field nursing transportation equipment.

"Mini-bulk container" means a portable container which is designed for transportation and has a capacity of not less than 100 gallons nor more than 660 gallons.

"Minimal consequence" means that an agrichemical spill has been responded to in a timely and appropriate manner and that the Department has no reason to believe that such spill will result in contamination of the vadose zone or groundwater.

"Modification" means changes in structures, processes or activities at a facility which change the efficiency or effectiveness of the containment structures or systems; i.e., changes in capacity.

"New activity" means an activity that is not an existing activity.

"Non-Community Water Supply" means a public water supply that is not a community water supply, and has at least 15 service connections used by nonresidents, or regularly serves 25 or more nonresident individuals daily for at least 60 days per year.

"Operational activity" means loading, unloading, and mixing of agrichemicals and or the cleaning of agrichemical transportation or application equipment at a facility.

"Operational area" means an area or areas at the facility where agrichemicals are loaded, unloaded, mixed, repackaged, or where agrichemicals are cleaned and washed from application, storage or transportation equipment.

"Operational area containment structure or system" means any structure or system used to intercept or prevent runoff or leaching, and contain spills and residues containing agrichemicals from operational activities such as loading, unloading, mixing, and equipment washing and rinsing.

"Packaged goods" means portable containers which are designed for transportation and have capacities of less than 100 gallons.

"Poly-materials" means any non-metallic, natural or synthetic compound or mixture of compounds created by the process of polymerization which, in its rigid form, can be used for the construction of agrichemical storage vessels (e.g. polyethylene, polyolefins, polyvinyl chloride, etc.). For the purposes of this Part, this definition shall also include all materials generally referred to as plastic or rubber.

"Regulated Recharge Area" means a compact geographic area, as determined by the Pollution Control Board, the geology of which renders a potable resource groundwater particularly susceptible to contamination.

"Reportable quantity" or "(RQ)" means a quantity that equals or exceeds the reportable quantity for substances listed in the Appendix to 49 CFR

172.101 (1988) or in Appendix A of 40 CFR 355 (1988).

"Reportable substance" means any substance listed in the Appendix to 49 CFR 172.101 (1988) or in Appendix A of 40 CFR 355 (1988).

"Secondary containment structure" means any structure or basin used to contain agrichemical spills and prevent runoff or leaching from bulk agrichemical containers.

"Setback Zone" means a geographic area, established under the Illinois Environmental Protection Act (415 ILCS 5), containing a potable water supply well or potential source or potential route, having a continuous boundary, and within which certain prohibitions or regulations are applicable in order to protect groundwaters.

"Underground water" means underground water as defined in the Illinois Groundwater Protection Act (415 ILCS 55).

"Unload or unloading" means the transfer at a facility of formulated pesticide in an unaltered state from the transport vehicle into facility storage or the transfer of bulk commercial fertilizer in an unaltered state from the transport vehicle into facility storage.

"Vadose Zone" means the area beneath the land surface which contains underground water that is not groundwater.

Section 257.20 Scope and Application

This Part shall apply to facilities that have filed with the Illinois Department of Agriculture either a written notice of intent or certified intent to be subject to the provisions of Section 14.6 of the Illinois Environmental Protection Act (415 ILCS 5/14.6) and have an activity located within a potable water supply well setback zone, have an existing activity located within a distance from the wellhead of a community water supply well to the activity not to exceed 2500 feet in a regulated recharge area, or have a new activity located within a regulated recharge area.

Section 257.30 Incorporation by Reference

The Department incorporates the following material by reference:

ASTM. American Society for Testing Materials, 1976 Race Street, Philadelphia, PA 19103 (215) 299-5585

"Ground Water and Vadose Zone Monitoring", ASTM STP 1053, 1990, pp. 7-24.

"Standard Guide for Pore-Liquid Sampling in the Vadose Zone", ASTM D4696-92, June 1992, pp. 984-1014.

NTIS. National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161 (703) 487-4600.

"Methods for Chemical Analysis of Water and Wastes", EPA Publication No. EPA-600/4-79-020, (March 1983), Doc. No. PB 84-128677

"Methods for the Determination of Organic Compounds in Drinking Water", EPA, EMSL, EPA-600/4-88/039 (Dec. 1988), Doc. No. PB 89-220461

"Practical Guide for Ground-Water Sampling", EPA Publication No. EPA/600/2-85/104 (September 1985), Doc. No. PB 86-137304

"Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods", EPA Publication No. SW-846 (Third Edition, 1986, as amended by Revision I (December 1987), Doc. No. PB 89-148076

Section 257.40 Facility Review Report

a) Activities at central distribution facilities, Class A and B lawncare facilities and other affected facilities shall not be subject to the provisions of this section.

b) For an activity located within a minimum setback zone(s), a facility review shall be conducted by the owner or operator based on the following compliance schedule.

   1) A facility review report shall be submitted to the Department no later than March 31, 1994, for a site located in a category A geologic vulnerability area.
   2) A facility review report shall be submitted to the Department no later than June 30, 1994, for a site located in a category B geologic vulnerability area.

c) For an activity located within a maximum setback zone(s), a facility review shall be conducted by the owner or operator based on the following compliance schedule.

   1) A facility review report shall be submitted to the Department no later than June 30, 1994, or within 90 days after the effective date of a maximum setback zone ordinance or regulation, whichever is later, for a site located in a category A geologic vulnerability area.

2) A facility review report shall be submitted to the Department no later than September 30, 1994, or within 90 days after the effective date of a maximum setback zone ordinance or regulation, whichever is later, for a site located in a category B geologic vulnerability area.

d) On or after September 30, 1994, for an activity located within a regulated recharge area, the owner or operator shall submit a facility review report within 90 days after the effective date of the recharge area regulation.

e) The owner or operator shall conduct a facility review and prepare a report that consists of the following, at a minimum:

1) description of the affected potable water well's applicable setback zone(s) in relation to the site.

2) location of the site on a 7.5 minute topographic map.

3) description of the site geologic vulnerability as category A or category B, utilizing information from existing sources including but not limited to the following:

A) Illinois State Geological Survey's "Potential for Agricultural Chemical Contamination of Aquifers Map"; and

B) geologic well logs; or

C) on-site investigation.

4) evaluation of the on-site facility well integrity to determine if such well has been constructed (or reconstructed) to meet the Illinois Water Well Construction Code (415 ILCS 30) and 35 Ill. Adm. Code 920.

5) description of the proposed monitoring program.

f) The Department shall determine whether the Facility Review Report is:

1) incomplete; or

2) substantially complete and monitoring may proceed accordingly while deficiencies are corrected; or

3) complete as submitted.

If a Facility Review Report is incomplete or substantially complete, the Department shall specify the time frame for correction of the deficiencies. The Department shall approve or reject with reasons therefor the Facility Review Report within 90 days.

g) The Department shall coordinate with the Agency on the facility review process for community and non-community water supply wells. Within three business days after receipt of a facility review report related to a community and non-community water supply well, the Department shall forward a copy of the report to the Agency. The Agency may provide a written response regarding the adequacy of the report within 60 days after receipt. When such written response is provided, concurrence from the Agency shall be obtained by the Department for the final action to be taken regarding the report.

Section 257.50 Site Monitoring

a) Activities at central distribution facilities, Class A and B lawncare facilities, and other affected facilities shall not be bject to the provisions of this Section.

b) The owner or operator shall implement a monitoring program based on the Department's determination regarding the Facility Review Report and the requirements of this Section. In a minimum setback zone, such monitoring program shall be operable no later than 120 days after the Department's determination. In a maximum setback zone or regulated recharge area, such monitoring program shall be operable no later than 120 days after receipt of a notice to proceed from the Department. The monitoring program for activities at a facility within a setback zone or regulated recharge area shall consist of one of the following:

1) groundwater monitoring from an on-site facility water well(s) or a monitoring well(s); or

2) alternate monitoring program approved by the Department.

c) An alternate monitoring program within minimum setback zones, maximum setback zones, or regulated recharge areas shall provide for:

1) adequate characterization of on-site conditions; and

2) detection capability within or above the vadose zone at the facility.

d) Within three (3) days after occurrence, the owner or operator of an agrichemical or lawncare facility, except Class A or B lawncare facilities, shall provide the Department written notification of all

agrichemical spills. The written notification shall include the following:

1) date, time, and location of the occurrence;

2) the type and amount of the agrichemical(s) involved;

3) the response action taken; and

4) the results associated with the response action.

e) Groundwater monitoring within a minimum setback zone shall be conducted as follows:

1) quarterly monitoring in a category A geologic vulnerability area for five years except that monitoring may be conducted semi-annually after the first year upon approval by the Department.

2) semi-annual monitoring in a category B geologic vulnerability area for five years except that monitoring may be conducted annually after the first year upon approval by the Department.

3) A facility request to alter the monitoring schedule or to discontinue monitoring shall include all monitoring results. Monitoring may be altered or discontinued upon approval by the Department if there were no confirmed pesticide detections at or above the MQL and nitrate-nitrogen levels had not exceeded 10 mg/l during the following specified periods:

A) one (1) year of monitoring for alteration; or

B) five (5) consecutive years of monitoring for discontinuance.

4) monitoring shall be resumed in accordance with subsection (g) if an agrichemical spill occurs at the facility unless the Department determines that such incident was of minimal consequence.

f) The Department may, based on the criteria of subsection (2)(A) below, require groundwater monitoring or an alternate monitoring program at a facility that is located within a maximum setback zone and is within a category A geologic vulnerability area when the Department is advised that a facility represents a significant hazard as determined by a groundwater protection needs assessment, an advisory of groundwater contamination hazard, or an identification of hazard pursuant to Section 17.1 of the Illinois Environmental Protection Act (415 ILCS 5/17.1).

1) Upon receipt of such advisory, the Department shall notify the facility of this advisory and allow the facility 30 days to provide a written response.

2) The Department, within 45 days of when it is advised that a facility represents a significant hazard, shall provide a notice to proceed to the owner or operator of the affected facility when the Department determines that monitoring will be required. Such notice shall include a summary of the existing conditions which have resulted in the determination to require monitoring. In making such determination, the Department shall consider the following:

A) the information provided in the groundwater protection needs assessment, the advisory of groundwater contamination hazard, or the identification of hazard;

B) the operating history of the facility, including compliance with this Part and Part 255; and

C) the current and future agrichemical activities associated with the facility.

3) If groundwater monitoring is required pursuant to this subsection, it shall be conducted as follows:

A) semi-annually for five years except that after the second year the Department may approve monitoring on an annual basis;

B) A facility request to alter or discontinue monitoring shall include all monitoring results. Monitoring may be altered or discontinued upon approval by the Department if there were no confirmed pesticide detections at or above the MQL and nitrate-nitrogen levels had not exceeded 10 mg/l during the following specified periods:

i) two (2) consecutive years of monitoring for alteration; or

ii) five (5) consecutive years of monitoring for discontinuance.

C) Monitoring shall be resumed in accordance with subsection (g) if an agrichemical spill occurs at the facility unless the Department determines that such incident was of minimal consequence.

g) The Department may require groundwater monitoring or an alternate monitoring program at a facility where an agrichemical spill(s) has occurred after the effective date of this Part. In making a determination regarding post-agrichemical spill monitoring, the Department shall consider:

1) the operating history of the facility, including compliance with this Part and Part 255;

2) the number and severity of agrichemical spills that have occurred at the facility;

3) response actions at the facility; and

4) the potential adverse impacts on groundwater.

When post-agrichemical spill groundwater monitoring is required for facilities located in minimum setback zones, the owner or operator shall perform the monitoring as specified in subsection (e). For facilities located in a Category A maximum setback zone, the owner or operator shall perform the monitoring as specified in subsection (f). For facilities located in a Category B maximum setback zone or regulated recharge area, semi-annual monitoring shall be required for three years except that after the second year the Department may approve monitoring on an annual basis. A facility request to alter monitoring shall include all monitoring results. For facilities located in a Category B maximum setback zone or regulated recharge area, monitoring may be altered upon approval by the Department if there were no confirmed pesticide detections at or above the MQL and nitrate-nitrogen levels had not exceeded 10 mg/l during two (2) consecutive years of monitoring.

h) The owner or operator may file a request to discontinue monitoring for a facility located in a category B maximum setback zone or regulated recharge area provided there were no monitoring results that exceed the criteria specified in subsection (k) for three years after the start of the monitoring period. A facility request to discontinue monitoring pursuant to this subsection shall include all monitoring results. Monitoring shall be resumed in accordance with subsection (g) if an agrichemical spill occurs at the facility unless the Department determines that such incident was of minimal consequence.

i) A groundwater monitoring program shall provide for:

1) sampling and analysis procedures that are designed to ensure monitoring results that provide a reliable indication of groundwater quality below the activity. At a minimum the program shall include procedures and techniques for:

A) sample collection;

B) sample preservation and shipment;

C) analytical procedures; and

D) chain of custody control.

2) sampling and analytical methods that are appropriate for groundwater monitoring and that allow for detection and quantification of contaminants specified in this Section, and that are consistent with the sampling and analytical methods specified in Section 257.20. Appropriate immunoassay screening tests and procedures approved by the Department may be used in combination with the analytical procedures.

3) a minimum of five pesticides as approved by the Department. In selecting the appropriate pesticides to monitor the following criteria shall be considered:

A) the volume and quantity of the pesticides stored, disposed of, or otherwise handled at the facility; and

B) there is a groundwater standard for such parameter; or

C) if there is no groundwater standard, a health advisory level established by USEPA or under 35 Ill. Adm. Code 620.Subpart F; and

D) physical and chemical properties of the pesticides indicate the potential for transport to groundwater.

4) nitrate as nitrogen shall be monitored where nitrogen fertilizer is stored or handled.

j) All monitoring results shall be maintained on-site and be available for review on request by the Department.

k) Results of groundwater monitoring shall be submitted, where constituent concentrations exceed 50% of the groundwater standard(s) for pesticide(s), to the Department within 60 days after completion of sampling. Results for nitrate that exceed the groundwater standard shall also be submitted to the Department within 60 days after completion of sampling. This submission shall address the following:

1) evaluate the significance of the results; and

2) provide a description of the response action taken.

l) The Department may consider whether the owner or operator reasonably demonstrates that during review of the information provided under subsection (k) that groundwater contamination was a result of:

1) residual contamination from a prior agrichemical spill(s) where appropriate action has already been taken; or

2) the source of contamination is not due to an on-site agrichemical spill(s); or

3) the source of contamination was due to an agrichemical spill(s) prior to the effective date of this Part and which remains subject to other applicable provisions of existing State or federal laws or regulations adopted thereunder.

m) Results of alternate monitoring shall be submitted as required by the Department. This submission shall address the following:

1) evaluate the significance of the results; and

2) provide a description of the response action taken.

n) The Department may consider whether the owner or operator reasonably demonstrates that during review of the information provided under subsection (m) that contamination was a result of:

1) residual contamination from a prior agrichemical spill(s) where appropriate action has already been taken; or

2) the source of contamination is not due to an on-site agrichemical spill(s); or

3) the source of contamination was due to an agrichemical spill(s) prior to the effective date of this Part.

o) The Department shall evaluate the response action taken under subsection (k) or subsection (m), advise the owner or operator in writing regarding these findings, and provide a time frame for correction of any deficiencies. In performing the evaluation, the Department shall consider the following:

1) the extent and severity of on-site contamination;

2) the presence of potentially affected off-site water supply wells;

3) the frequency of monitoring; and

4) the appropriateness of the response.

p) The Department shall ensure that potential impacts on off-site water supply wells are evaluated and considered when making determinations about the adequacy of response actions. Such assurance shall include, when appropriate, water well sampling at a frequency and duration that is commensurate with the on-site conditions that caused the response action. The Department shall also coordinate its activities under this subsection with the Illinois Department of Public Health or local health department so that those off-site wells that are most likely to be impacted are afforded this consideration.

q) The Department shall consult with the Agency regarding technical components of alternate monitoring programs and procedures during the development process.

Section 257.60 Permits and Permit Modifications

a) An Agrichemical Facility Permit or Lawncare Containment Permit issued by the Department shall be obtained for each existing and new facility affected by this Part. Permit applications shall be submitted on forms provided by the Department. The application shall be accompanied by engineering plans and specifications for any construction or modification to be accomplished pursuant to the Permit. Such plans and specifications shall be prepared by an Illinois Professional Engineer when required by the provisions of the Illinois Professional Engineering Act (225 ILCS 325). A Permit shall be obtained before the commencement of any construction necessary to meet the compliance date, as determined by the applicable subsection(s) below. A Permit must be amended before the commencement of any modification to the facility. A Permit amendment shall not be required for alterations at the facility. A Permit will be transferred to a new owner or operator upon written notification by the permittee to the Department. Permits shall be renewed every 5 years.

b) An application for a Permit submitted by a corporation shall be signed by a principal executive officer of at least the level of vice president, or a duly authorized representative who is responsible for the overall operation of the facility described in the application. In the case of a partnership or a sole proprietorship, the application shall be signed by a general partner, a facility manager, or the proprietor respectively. In the case of a publicly owned facility, the application shall be signed by

either a principal executive officer, ranking official or a duly authorized employee.

c) The Department shall issue a Permit within 90 days after receipt of the application, provided the documents accompanying the application indicate that the facility will be in compliance with the provisions of 8 Ill. Adm. Code 255, 8 Ill. Adm. Code 256, the provisions of this Part, as applicable, and the Environmental Protection Act (415 ILCS 5). In addition to completed application forms, documents which must be submitted include a location area map, detailed plot plan of the facility and any additional information the applicant or the Department deem necessary to fully describe the project. A Permit issued "with conditions" means that the facility is deficient in some area in order to meet full compliance with the before stated rules. A Permit with conditions would be issued if the operation of the facility during the period of time that the facility owner was correcting the deficiency does not jeopardize the environment. If the Department fails to grant or deny the Permit as requested or issue with conditions within 90 days from the date of receipt of the application, the applicant may deem the Permit granted for a one year period commencing on the 91st day after the application was received. If the application for a Permit is denied, the Department shall notify the applicant in writing as to why the permit was denied.

d) Facilities holding permits issued prior to the effective date of this Part shall file with the Department a request for permit modification which shall address any modifications to the facility required under this Part. Such filing shall occur within 180 days after the effective date of this Part. Construction of permitted facilities shall be completed within 180 days after permit issuance. If no facility modifications are required by the provisions of this Part, no permit modification shall be required.

e) An agrichemical facility general class permit issued by the Department shall be obtained by the owner or operator of a central distribution facility affected by this Part. The central distribution facility affected by this Part shall file with the Department an application for permit within 180 days after the effective date of this Part. Construction of permitted facilities shall be completed within 180 days after permit issuance.

f) Experimental Permits

1) To best aid the improvement of agrichemical containment technology, the Department shall issue Experimental Permits for containment processes or techniques that do not satisfy the requirements of this Part, provided the applicant submits a registered professional engineer's statement certifying that the design includes appropriate safeguards (i.e., quality control, quality assurance, and supportive analytical data) to ensure that the process or technique has a reasonably substantial chance for success (i.e., the quality control for the experimental design will indicate if there is any malfunction).

2) A valid Experimental Permit shall constitute a prima facie defense to any action brought against the permit holder for a violation of the Rules of this Part, but only to the extent that such action is based upon the failure of the process or technique.

3) All Experimental Permits shall have a duration not to exceed two years. Experimental permits which have been renewed at least once and have thus been in effect for at least 4 years may be renewed for a period of no greater than 5 years.

4) Application for renewal of an Experimental Permit shall be submitted to the Department at least 90 days prior to the expiration of the existing permit. To the extent the information to be supplied for renewal is identical with that contained in the prior permit application, the applicant shall so note on the renewal application, and the Department shall not require the submittal of data and information submitted with the original application.

Section 257.70 General Class Permits for Central Distribution Facilities

a) There shall be an agrichemical facility general class permit available for issuance by the Department to an owner or operator of a central distribution facility. In addition to completed application forms available from the Department, a submittal for an agrichemical facility general class permit shall include a location area map, a detailed plot plan of the facility, engineering plans of the containment structures, and any additional information the applicant or the Department deems necessary to fully describe the project.

b) All filled mini-bulks and packaged goods at a central distribution facility shall be warehoused in a designated secondary containment structure on a surface with a hydraulic conductivity not to exceed 1×10^{-6} cm/sec constructed and 10^{-5} cm/sec maintained. The surface shall be constructed of an impervious material compatible with the products being stored and capable of being properly decontaminated. There shall not be penetrations in

the floor and all existing floor drains shall be sealed with a non-shrink grout.

c) The designated secondary containment structure shall include a minimum of a four (4) -inch curb or other flow-diverting structure or system to allow for the interception and retention of spilled materials within the secondary containment area. The minimum four (4) -inch curb or other flow-diverting structure or system shall completely surround the designated secondary containment structure.

Section 257.80 Structural Requirements

In addition to the requirements included in 8 Ill. Adm. Code 255 for agrichemical facilities, 8 Ill. Adm. Code 256 for lawncare facilities, and Section 257.70 of this Part for central distribution facilities, the following shall be required of facilities affected by this Part:

a) The use of underground structures, pits, or piping for the storage or transport of product, rinsates, wash water, or recycled liquid at any facility affected by this Part is prohibited. This prohibition shall not include sumps or wet wells which are used for the transfer of product, rinsates, wash water, or recycled liquid provided these structures maintain a detention time of seventy-two (72) hours or less.

b) All pesticide-related operational containment structures located at an agrichemical facility subject to 8 Ill. Adm. Code 255 shall be covered/protected from precipitation. This requirement shall include operational areas associated with the impregnation of dry fertilizer with pesticides.

c) All bulk pesticide storage tanks installed at agrichemical facilities subject to the provisions of 8 Ill. Adm. Code 255 shall be prohibited from being constructed of poly-materials unless a distance not less than one-half the total tank height is maintained between the perimeter of the tank wall and the interior wall surface of the secondary containment structure.

d) All filled mini-bulks and packaged goods shall be warehoused in a designated secondary containment structure on a surface with a hydraulic conductivity not to exceed 1 X 10^{-6} cm/sec constructed and 1 X 10^{-5} cm/sec maintained. The surface shall be constructed of an impervious material compatible with the products being stored and capable of being properly decontaminated. The designated secondary containment structure shall include a minimum of a four (4) -inch curb or other flow-diverting structure or system to allow for the interception and retention of spilled materials within the secondary containment area. The minimum four (4) -inch curb or other flow-diverting structure or system shall completely surround the designated secondary containment structure. There shall not be penetrations in the floor and all existing floor drains shall be sealed with a non-shrink grout. This requirement shall only apply to facilities which store at least 300 gallons or 300 pounds of pesticides; or 1,500 gallons of fertilizers in mini-bulks and packaged goods at any one time.

e) All transfer of agrichemicals between containers including loading, unloading, repackaging and mixing, and equipment cleaning performed at an agrichemical facility subject to the provisions of 8 Ill. Adm. Code 255 shall be conducted within a containment system designed to intercept, retain, and recover operational and accidental spillage, leakage, wash water, and agrichemical residues. Construction materials of containment structures shall be compatible with the products handled and maintained in a condition to retain recovered material until it is used or properly disposed of. A containment system for such transfer piping during either a loading or unloading operation shall consist of one of the following:

1) concentric piping, catch trays, trenches, raceways, etc., or

2) annual pressure testing and visual inspection of the piping if constructed of stainless steel, or

3) annual pressure testing and visual inspection of the piping if constructed of materials other than stainless steel and the piping is not allowed to stand full of material during periods of non-operation.

Section 257.90 Operation and Management Practice Requirements

In addition to the requirements included in 8 Ill. Adm. Code 255 regarding agrichemical facilities and 8 Ill. Adm. Code 256 regarding lawncare facilities, the following operation and management practice requirements shall be followed at facilities affected by this Part:

a) All containment structures, storage tanks, valves, and piping shall be visually inspected at least daily during the application season and maintained as necessary to assure compliance with this Section. A written record of all inspections and maintenance shall be kept at the facility available for inspection by the Department. This requirement shall not be applicable to facilities issued general Class A or B lawncare containment permits.

b) Clay-based containment structures may be used for the construction of fertilizer secondary containment at agrichemical facilities subject to the provisions

of 8 Ill. Adm. Code 255. Spilled materials held in clay-based secondary containment structures shall be removed within twenty-four (24) hours of detection unless the facility has notified and received approval from the Department. Direct discharge of collected precipitation from clay-based secondary containment structures shall be prohibited after a spill event until such time as the collected precipitation is demonstrated to be free of contaminants.

c) Drip and catch pans shall be placed under valves, pumps and hose connections at agrichemical and lawncare facilities where intermittent spillage has occurred.

d) An agrichemical facility shall require the transport vehicle operator to remain at the transport vehicle during all agrichemical loading and unloading operations. All unloading of bulk pesticides at an agrichemical facility shall be conducted over loading operational containment structures. The agrichemical facility shall post emergency telephone numbers at the designated fertilizer unloading area. The Department may require the bulk unloading of liquid fertilizers at an agrichemical facility over operational area containment with a containment capacity of not less than 500 gallons based on facility past performance and management practices pursuant to 8 Ill. Adm. Code 255.110.

e) The repair and maintenance of agrichemical application systems associated with application devices at agrichemical facilities and lawncare facilities shall be performed over operational area containment unless the device and the system have been thoroughly cleaned and rinsed. This requirement shall not be applicable to facilities issued general Class A or B lawncare containment permits.

f) Agrichemical facilities and lawncare facilities shall record the date and estimated amount of accumulated precipitation discharged from operational and secondary containment areas. The Department may require prior notification of discharge of collected precipitation from operational and secondary containment areas from selected facilities for a period of three (3) to six (6) months based on facility past performance and management practices pursuant to 8 Ill. Adm. Code 255.110 or 8 Ill. Adm. Code 256.70. Written records shall be maintained at the agrichemical facility for possible inspection by Department personnel. These requirements shall not be applicable to facilities issued a general Class A lawncare containment permit.

g) All mixing and loading activities at lawncare facilities shall be conducted over wash water containment areas.

h) All facility containment operations personnel associated with agrichemical facilities and lawncare facilities shall attend, at least once during the term of the facility permit, a training session offered by the Department regarding containment management and incident response. Programs offered by other sponsoring organizations may be utilized to meet this requirement provided that the Department has reviewed and approved the program content prior to its offering. The training session sponsoring organization shall issue, to all persons attending said training sessions, a certificate of participation. The sponsoring organization shall also maintain a record of all persons attending said training sessions and make such records available for inspection by the Department upon request. This requirement shall not be applicable to facilities issued general class A or B lawncare containment permits.

Section 257.100 Closure and Discontinuance of Operations

Facilities subject to this Part shall complete the following activities at the time of closure or discontinuance of operations:

a) All products and waste materials containing pesticide or fertilizer chemicals shall be removed from the premises in the following manner:

1) For agrichemical facilities, agrichemical products, rinsates, wash waters, contaminated soils and other materials containing agrichemicals, and all agrichemical containers shall be removed from the agrichemical facility site and disposed of or utilized in a legally acceptable manner.

2) For lawncare facilities, lawncare products, rinsates, wash waters, contaminated soils and other materials containing lawncare chemicals, and all lawncare containers shall be removed from the lawncare facility and disposed of or utilized in a legally acceptable manner.

3) For central distribution facilities, the owner or operator shall remove all pesticide and fertilizer product from the central distribution facility, and shall remove or decontaminate all residues, contaminated containment system components, contaminated soils, structures and equipment.

4) For other facilities, the owner or operator of the facility shall remove all pesticide and

fertilizer products from the site and shall remove or decontaminate all residues, contaminated containment system components, contaminated soils, structures and equipment.

b) Facilities that were required to conduct monitoring during the active life of the site shall sample annually for a period of two years subsequent to closure or discontinuance of operations. The closure monitoring requirement may be modified if it is determined by the Department that the monitoring is not required or an alternate monitoring schedule is more appropriate.

c) In making such determinations the Department shall consider:

1) the operating history of the site relevant to citations for violations of applicable regulations;

2) the number and severity of pesticide and fertilizer spill(s) that have occurred at the site;

3) the results of active-life monitoring conducted by the facility; and

4) the degree of remediation and contaminant source removal carried out by the facility prior to closure.

d) The Department shall coordinate such determination with the Agency for community and non-community water supply wells by notifying the Agency of the recommended action and providing a 60-day review period. The Agency may provide a written response regarding the adequacy of the determination. When such written response is provided, concurrence from the Agency shall be obtained by the Department for the final action to be taken.

e) The owner or operator shall conduct monitoring in a manner consistent with the active life requirements for a facility except that all monitoring results shall be submitted to the Department.

f) The completion of closure activities shall be certified as follows:

1) Agrichemical facilities and central distribution facilities: Within 60 days after the completion of the closure activities the owner or operator of the agrichemical facility shall submit, by registered or certified mail, a certification that all closure requirements have been met. The certification must be signed by the owner or operator and an Illinois registered professional engineer. The Department may accept a certification signed by an authorized qualified person other than a registered professional engineer provided documentation is furnished which indicates that person has the knowledge and professional experience to determine that all closure requirements have been satisfied.

2) Lawncare facilities: Within 60 days after the completion of the closure activities the owner or operator of the lawncare facility shall certify and notify the Department of Agriculture in writing that all of the prescribed closure requirements have been met.

3) Other facilities: Within 60 days after the completion of the closure activities, the owner or operator of the facility shall certify and notify the Department in writing that all of the prescribed closure requirements have been met.